

REMARKS

I. Status of the Prosecution

Claims 1- 10 are pending and under examination. Claim 1 is amended herein. The amendment does not introduce any new matter and is made to clarify that the fastener is free for movement relative to the substrate.

II. The Claims as Amended are Not Anticipated by, Nor Obvious in view of Bois.

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 102 or in the alternative § 35 U.S.C. § 103, as allegedly anticipated by, or obvious in view of, Bois (U.S. Patent No. 6,085,491). Applicant respectfully asserts that the reference neither anticipates nor renders obvious the instant claims.

The claims are directed to methods of sealing a reclosable fastener to a substrate. The methods comprise presenting lengths of fastener to a continuous substrate, locating the lengths of fastener on the substrate *by attaching them to the substrate* so as to leave a body of the fastener free for movement *relative to the substrate*, and passing the combination between a pair of sealing jaws which are dimensioned to be longer than the body of the fastener along the path of movement of the combination and which are displaceable relative to the combination to effect a sealing of the substrate to the fastener body when moved into contact therewith.

The Office Action alleges that Bois teaches each and every element of the instant claim. The Office Action alleges that strip 70 is attached to the sides of the bag, thus reading on being attached to a substrate. The Office Action also alleges that the Applicant argued that the strip 70 is attached to the sides of the bag, and not to the bag itself. Applicant respectfully notes that Applicant made no such argument. Rather, Applicant specifically noted that Bois teaches *no attachment at that step*. "It is important to note that there is no attachment of the strip 70 to the material of the bag (see Response date January 26, 2004, emphasis in original). While the bags are apparently "attached to one another" via the strip 70 at this point (see Bois Fig 8 and column 6, lines 64-67), Bois does not teach attachment of the strip 70 until the station 80 where the strip is sealed to the two opposite sides of the bag 42 (see Bois column 7, lines 1-3). The instant claims involve an initial attachment through an

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initial weld, which leaves the fastener free for movement relative to the substrate relative to the substrate, *followed by* passing this combination through sealing jaws. Thus the instant claims involve a multistep process of attaching the fastener to the substrate, while Bois teaches only attachment in a single step. While Bois apparently teaches inserting the strip 70 between the sides, Bois does not teach or suggest initial attachment of the strip 70 to the bag, such attachment only occurs later. In any case, it cannot be argued that the strip 70 is free for movement relative to the substrate after attachment, regardless of when it is deemed attached.

Because the Bois reference does not teach each and every limitation of the amended claims, the rejection under 35 U.S.C. § 102 must be withdrawn. Further, not only does Bois not teach or suggest each and every limitation, but it provides not motivation to modify the teachings and no expectation of success for doing so. Thus the rejection under 35 U.S.C. § 103 must also be withdrawn. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

III. Conclusion

This amendment is fully responsive to all outstanding issues and places all claims in condition for allowance. An early and favorable Notice to that end is earnestly sought. To resolve any remaining questions prior to the allowance of the claims, the examiner is invited to contact the Applicant's undersigned representative by telephone at 215-557-5986.

Respectfully submitted,

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